

;ARTICLE 27

INTERIM PLANNING OVERLAY DISTRICT

(;Article inserted on November 23, 1984)

SECTION 27-1. Statement of Purpose.

The Commission finds that:

1. The attributes of an evolving city make it necessary from time to time to consider rezoning of an area;
2. it is usually desirable to precede a contemplated rezoning of an area with a comprehensive planning study;
3. a reasonable period of time is required to complete such comprehensive planning study, given the need to assemble and consider adequately the necessary economic, social, physical and other information, and to hold public hearings and otherwise involve the public in the planning process;
4. the preparation, drafting, and adoption of a proposed rezoning may take a significant period of time to complete;
5. in the time period during which the comprehensive planning study and contemplated rezoning are prepared, it is essential to protect the area under review from unwise development that would frustrate the ultimate goals of the comprehensive planning process and contemplated rezoning;
6. the use of interim zoning measures to protect the integrity of an area pending completion of a comprehensive planning study and preparation of a rezoning proposal is a commonly used technique around the country.

Therefore, under the authority of Chapter 665 of the Acts of 1956 and Chapter 652 of the Acts of 1960 this article is established.

;SECTION 27-2. Basic Regulations.

1. An Interim Planning Overlay District shall be established through text and map amendment to the Zoning Code and zoning maps.

2. An Interim Planning Overlay District may operate to suspend all or a portion of the existing underlying zoning of an area for the period during which the Interim Planning Overlay District shall be in effect.
3. An Interim Planning Overlay District shall be adopted for a specified time period, not to exceed two years; provided that, notwithstanding any contrary provision of this code, including, but not limited to, any provision of an effective Interim Planning Overlay District, such time period shall automatically be extended until final zoning for the Interim Planning Overlay District is adopted by the Zoning Commission, but in no case shall an Interim Planning Overlay District be automatically extended to be in effect for a period exceeding three years. An Interim Planning Overlay District may also be extended, with respect to all or any part of the area within such District, by approval of the Zoning Commission at any time, after public notice and hearing. An Interim Planning Overlay District shall dissolve upon expiration of the specified time period as extended pursuant to this paragraph or by the Zoning Commission.
4. An Interim Planning Overlay District itself may be divided into subdistricts.
5. Deleted on March 16, 1989.
6. An Interim Planning Overlay District may employ an Interim Planning Permit procedure to govern any or all areas of the Interim Planning Overlay District. The Interim Planning Permit system is described in Section 27-3.

(;As amended on September 23, 1987, March 16 and September 13, 1989)

SECTION 27-3. Interim Planning Procedure. An application for an Interim Planning Permit must be filed in quadruplicate with the Inspectional Services Department, which will retain one copy and transmit the other copies within seven days as follows: one to the Board of Appeal, one to the Boston Redevelopment Authority, and one to the Zoning Commission. Within ninety days of the receipt of such transmittal, the Boston Redevelopment Authority shall file with the Board of Appeal a report with recommendations together with materials, maps or plans to aid the Board of Appeal in judging the application. The Board of Appeal shall not hold a hearing or render any decision on an application for such Permit until such report with recommendations has been received and considered; provided that if no such report is received within ninety days, the Board of Appeal may hold a hearing and render a decision without such report.

The Board of Appeal shall grant such application only if it finds that the proposed action described in the application would not be incompatible with the goals of the comprehensive planning study and contemplated rezoning.

SECTION 27-4. **Petition for Interim Overlay District.** The Boston Redevelopment Authority may petition the Zoning Commission for the designation of an Interim Planning Overlay District. Such petition must:

1. Define the physical boundaries of the Interim Planning Overlay District.
2. Describe the characteristics of the area that suggest the existing underlying zoning may not be appropriate.
3. Specify a detailed timetable with specified deadlines for conducting and completing the comprehensive planning study, and for drafting and petitioning for any rezoning of the area.
4. Specify a specific date, not to exceed two years from the effective date of an amendment establishing such district, for dissolution of the Interim Planning Overlay District.
5. State regulations to control land use in the area during the specified time period including but not limited to the following:
 - a. regulations which suspend the underlying existing zoning;
 - b. regulations governing the Interim Planning Permit, if any.
6. State explicitly which land uses and activities are subject to the provisions of the Interim Planning Overlay District, and which land uses and activities, if any, are left to be governed by the underlying existing zoning.

SECTION 27-5. **Severability Clause.** The provisions of this regulation are severable, and if any such provision or provisions shall be held invalid or unconstitutional by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision of this regulation.

;ARTICLE 27A
PORT NORFOLK INTERIM PLANNING OVERLAY DISTRICT

(;Inserted on September 3, 1985. Superseded on June 11, 1988.)

;ARTICLE 27B
BOYLSTON STREET INTERIM PLANNING OVERLAY DISTRICT

(;Inserted on April 3, 1986; amended on May 23, 1986. Expired on April 2, 1987.)

;ARTICLE 27C
HARBORPARK INTERIM PLANNING OVERLAY DISTRICT

(;Inserted on March 16, 1987. Expired on December 17, 1990.)

;ARTICLE 27D
DOWNTOWN INTERIM PLANNING OVERLAY DISTRICT

(;Inserted on September 25, 1987, extended on September 17, 1990, April 22, 1991, May 20, 1992, May 17, 1993, April 8, 1994, March 27, 1996, July 31, 1997, April 2, 1998, March 26, 1999, March 3, 2000, and February 16, 2001*)

*Text Amendment No. 281 and Map Amendment No. 394 extend until March 24, 2003 the period of time that Article 27D, governing the Downtown Interim Planning Overlay District, remains in effect. This extension affects the remaining area of the overlay district. The remaining area excludes from the original area of the district, as established by Text Amendment No. 98 and Map Amendment No. 211, the areas of the following subsequently adopted districts: Midtown Cultural District, North Station Economic Development Area, South Station Economic Development Area, Huntington Avenue/Prudential Center District, Chinatown District, Leather District, Government Center/Markets District, Bulfinch Triangle District, Cambridge Street North District, and Bay Village Neighborhood District as the areas of those districts are shown on Maps 1A, 1B, 1C, 1D, 1G, 1H, 1J, 1K, and 1N of the series of maps entitled "Zoning Districts City of Boston," as established under Chapter 665 of the acts of 1956 as amended. Text and map amendments adopting further extensions to Article 27D, if any, may be obtained from the Secretary to the Zoning Commission.

;ARTICLE 27E
ROXBURY INTERIM PLANNING OVERLAY DISTRICT

(;Inserted on August 18, 1987. Superseded on December 18, 1990.)

;ARTICLE 27F
ALLSTON-BRIGHTON INTERIM PLANNING OVERLAY DISTRICT
(;Inserted on August 18, 1987. Superseded on October 26, 1991.)

;ARTICLE 27G
EAST BOSTON INTERIM PLANNING OVERLAY DISTRICT
(;Inserted on June 6, 1988. Superseded on December 24, 1992.)

;ARTICLE 27H
DORCHESTER AVENUE INTERIM PLANNING OVERLAY DISTRICT
(;Inserted on October 12, 1988. Expired on January 31, 1992.)

;ARTICLE 27J
JAMAICA PLAIN INTERIM PLANNING OVERLAY DISTRICT
(;Inserted on April 24, 1989. Superseded on June 30, 1993.)

;ARTICLE 27K
WEST ROXBURY INTERIM PLANNING OVERLAY DISTRICT
(;Inserted on December 5, 1989. Superseded on June 29, 1994.)

;ARTICLE 27L
SAINT VINCENT NEIGHBORHOOD INTERIM PLANNING OVERLAY DISTRICT
(;Inserted on August 12, 1991. Superseded on December 29, 1994.)

;ARTICLE 27M
MISSION HILL INTERIM PLANNING OVERLAY DISTRICT
(;Inserted on May 17, 1993. Superseded on March 25, 1996.)

;ARTICLE 27N
SOUTH BOSTON BUFFER ZONE INTERIM PLANNING OVERLAY DISTRICT
(;Inserted on December 6, 1997. Superseded on July 22, 1999.)

;ARTICLE 27P
SOUTH BOSTON WATERFRONT INTERIM PLANNING OVERLAY DISTRICT
(;Inserted on July 22, 1999.)

;ARTICLE 27Q

FENWAY INTERIM PLANNING OVERLAY DISTRICT

(;Inserted on May 25, 2000.)